

CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE C

Measure C, if approved, would add Article XIX to the San José City Charter, limiting the authority of the San José City Council to allow non-employment uses on lands the *San José Envision 2040 General Plan* designates for employment uses in the Almaden, Evergreen, Calero, Coyote, and San Felipe Planning Areas.

Measure C would apply to “Threatened Employment Lands” consisting of all “Qualifying Parcels” designated for specified industrial, commercial, and urban village uses in the General Plan as of March 8, 2018. “Qualifying Parcels” are parcels or contiguous parcels in common ownership that are: (1) within a Planning Area specified above; (2) five acres or more in size; and (3) completely or partially within one mile inside of San José’s Urban Growth Boundary.

Measure C would not apply to the conversion of land to a Public/Quasi-Public or Agriculture designation or to public parks, public trails, public open space, and other public uses.

Measure C adds requirements before the City could consider approving a change allowing non-employment uses on Threatened Employment Lands. Measure C would prohibit the Council from considering such a change unless the City prepares an Impact Study at the applicant’s cost to determine the potential fiscal, employment, and jobs/housing balance impacts of the proposed change.

The Impact Study must be available for public review and be considered by the City Council at a public hearing. Any such project must also comply with the California Environmental Quality Act (CEQA).

If the Council determines the change would reduce revenue, economic benefits, or the Jobs/Employed Resident Ratio, the Council cannot approve the change unless it determines that the benefits of the proposal outweigh the specified impacts. The Council would retain the power to approve, deny, modify, or condition the change. If the Council approves a change from employment to non-employment development, Measure C states that the Council must require all the following:

- Residential Development:
 - Compliance with the City’s Inclusionary Housing Ordinance, but with a higher percentage of the housing at affordable prices, as follows:
 - For-sale units – 50% of units affordable to moderate-income households earning no more than 110% of Area Median Income (“AMI”).
 - Rental Units – 55% affordable, including 35% for moderate-income and 20% for very-low-income (earning no more than 50% AMI) households.
 - Compliance with applicable design and construction laws (including building energy efficiency and Zero Net Energy).

- Provision of specified support services such as shuttle service as feasible and subject to applicable law.
- All Non-Employment Development, including Residential, must use reclaimed water for landscaping where available.

Measure C provides it would sunset in 20 years and would prevail over any conflicting or inconsistent provisions in other City laws, including any initiative adopted at the June 5, 2018 election. Measure C authorizes the City Council to adopt laws as necessary to implement Measure C. If adopted, Measure C could be amended or repealed by the voters.

The San José City Council placed Measure C on the ballot.

A "Yes" vote is a vote to amend the Charter to implement the changes described above.

A "No" vote is a vote to not make these changes to the Charter.



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